

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Shinichi HANDA, Hirofumi NAKAJIMA, Kenichi KUBA,
Hiroyuki SHIROGANE and Masaru KOBAYASHI

Ser. No.: 10/527,502

Group Art Unit: 2879

Filed: March 10, 2005

Examiner: Bumsuk Won

Confirmation No.: 9949

For: EL DISPLAY DEVICE HAVING A SEALANT LAYER

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF EFS TRANSMISSION

I hereby certify that this paper is being transmitted via EFS to
the Patent and Trademark Office on *December 24, 2008*.

Janet M. Stevens
Janet M. Stevens

REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action mailed June 26, 2008, Applicants respectfully request reconsideration and withdrawal of all grounds of rejection based on the following arguments. Claims 1, 3, 4, 6, 8, 9 and 11-23 are pending herein.

1. Claims 1, 4, 6, 9 and 11 were rejected under §103 over Yasunori in view of Miyake. This ground of rejection is respectfully traversed.

The PTO relied upon Yasunori as allegedly disclosing all of the features recited in the independent claims, with the exception of the claimed insulating layer pattern, for which the PTO relied upon Miyake. However, Applicants respectfully submit that one skilled in the art would have had no reason to combine the references as asserted in the Office Action, and even if combined, the references would still not disclose all features recited in the independent claims.

Both applied references disclose EL display devices that include discrete EL elements and insulating matrix layers surrounding each EL element. The insulating matrix layers are represented by element 8 in Fig. 2 of Yasunori and element 5 in the drawings of Miyake. The PTO concluded that one skilled in the art would have found it obvious to use the insulating layer 5 of Miyake in Yasunori “for the purpose of enhancing contrast” (Office Action, page 3, last line). There is absolutely no evidence in the record to support this conclusion. Specifically, one skilled in the art would have no reason to expect that the insulating layer 5 disclosed in Miyake would function to enhance contrast any better than the insulating layer 8 already present in Yasunori.

Moreover, the insulating layer 8 in Yasunori functions as a matrix to separate each EL element from one another in exactly the same manner that the insulating layer 5 functions as a matrix to separate each EL element in Miyake. Therefore, there is absolutely no reason why one skilled in the art would have employed the insulating layer 5 of Miyake in place of the insulating layer 8 already present in Yasunori.

For at least the foregoing reasons, Applicants respectfully submit that one skilled in the art would not have found it obvious to combine the references as asserted in the Office Action, absent Applicants’ own disclosure, which, is of course, impermissible.

In addition to the above, contrary to the PTO’s conclusion, Miyake does not disclose the presently claimed “insulating layer *pattern*.” The pending independent claims clearly recite the “insulating layer *pattern*” as being positioned between the first electrode and the EL layer or between the EL layer and the second electrode. There is no “insulating layer *pattern*” positioned between the EL layer 6 and either of the first (3) and second (4) electrodes in Miyake. The insulating layer 5 *as a whole* might be considered to be a patterned layer, but each individual segment, as shown in Fig. 3 of Miyake, for example, positioned adjacent any

given side of an EL element itself is not patterned. This distinction is readily apparent when viewing Fig. 2 of the present application, for example, which clearly shows the claimed “insulating layer *pattern*” 11 positioned between the first electrode 4 and the EL layer 5. This structure is distinctly different from the insulating layer 5 disclosed in Miyake, as any given segment as shown in Fig. 3 of Miyake clearly does not constitute an “insulating layer *pattern*,” as presently claimed.

The PTO’s very reliance upon Miyake supports Applicants’ contention that the insulating layer 5 in Miyake is not an “insulating layer *pattern*” formed between the EL layer and one of the first and second electrodes. More specifically, as explained above, the insulating layer 5 in Miyake simply defines the black matrix that separates the EL elements from one another in exactly the same manner that the insulating layer 8 separates the EL elements from one another in Yasunori. Accordingly, since the black matrix 8 in Yasunori is not an “insulating layer *pattern*” (as admitted by the PTO because of its reliance upon Miyake), the black matrix layer 5 in Miyake likewise is not an “insulating layer *pattern*” as presently claimed.

The present specification clearly explains that the insulating layer pattern has through-openings in order to accomplish specific functions:

Flourescent emission takes place at positions corresponding to the openings in the insulating layer pattern 11, while flourescent emission does not take place at the positions other than the openings. Therefore, in this case, luminescence can be provided in the opening pattern . . . On the other hand, during energization, a flourescent emission pattern corresponding to the insulating layer pattern 11 in the EL element is visible, and, in the parts other than the flourescent emission pattern, the print can be viewed. In this method, the flourescent emission may be constructed so as to take place even on the whole area. Alternatively, the flourescent emission may be constructed for color display applications.

Please see the present specification at page 12, lines 8-27 and page 17, line 28 -- page 18, line 15. This functionality provided by the presently claimed “insulating layer pattern” that is positioned between the EL layer and one of the first and second electrodes cannot be accomplished by the basic black matrix layers 8 and 5 disclosed in Yasunori and Miyake, respectively. The PTO has failed to even remotely consider the attendant advantages attributable to the presently claimed “insulating layer *pattern*” when applying the rejection based on Yasunori and Miyake.

Applicants respectfully submit that one skilled in the art would also understand the distinct difference between the black matrix layers disclosed in Yasunori and Miyake and the claimed insulating layer pattern. Specifically, the insulating layer in Miyake, for example, defines the black matrix in order to control the relationship between the OD value and the reflectance (see Miyake paragraphs [0037]-[0042]). There is no disclosure or even remote suggestion that the black insulating layer 5 in Miyake is capable of performing the function discussed above that is attributable to the claimed “insulating layer *pattern*” that itself is positioned between the EL layer and one of the first and second electrodes.

For all of the foregoing reasons, Applicants respectfully submit that one skilled in the art would not have found the presently claimed invention obvious over Yasunori or Miyake. Accordingly, all grounds of rejection based on Yasunori and Miyake should be reconsidered and withdrawn.

2. Claims 3 and 8 were rejected under §103 over Yasunori in view of Miyake, and further in view of Vong; claims 12-15 and 17-20 were rejected under §103 in Yasunori in view of Miyake, and further in view of Bellmann; claims 16 and 21 were rejected under §103 over Yasunori in view of Miyake, and further in view of Bellmann and Duggal; and claims 22 and 23 were rejected under §103 over Yasunori in view of Miyake, and further in view of Duggal.

These grounds of rejection are all respectfully traversed for the same reasons already explained above. None of the other applied references overcomes the deficiencies discussed above with respect to Yasunori and Miyake.

Applicants respectfully submit that all pending claims herein define patentable subject matter over the art of record. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims as soon as possible.

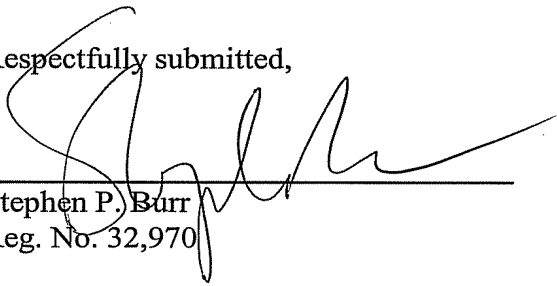
If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

December 24, 2008

Date

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

SPB:jms

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320